

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL BRUNO,

Plaintiff,

07 Civ. 7503 (VM)

-against-

DECLARATION

METROPOLITAN TRANSPORTATION AUTHORITY,

Defendant.

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STATE OF NEW YORK }
 } ss.:
COUNTY OF NASSAU }

PHILIP J. DINHOFER, an attorney admitted to practice law in the Court's of the State of New York, declares pursuant to 28 U.S.C. § 1746, that the following is true and correct, under penalty of perjury.

1. I am the attorney for the plaintiff herein, and am fully familiar with the facts and circumstances set forth below.
2. I make this declaration in opposition to the defendant's motion to dismiss pursuant to FRCP Rule 12(b)(6).
3. For the reasons set forth in the accompanying memorandum of law in opposition, defendant's motion should be denied in its entirety.
4. Annexed hereto as exhibits referred to by the accompanying memorandum of law in opposition are the following:

Exhibit 1 Plaintiff's Complaint

Exhibit 2 Letter of the MTA, dated July 26, 2007, Denying Plaintiff's Line of Duty Accidental Disability Pension with Accompanying Letter, dated July 25, 2007, of the MTA's Medical Board in Explanation Thereof

Exhibit 3 Excerpt of January 31, 2006 Trial Testimony of Kishore Ranade, MD had in the case of Bruno v. MTA, 04 Civ. 3383 (THK), pages 18-20

WHEREFORE, it is respectfully requested that the Court deny defendant's motion to dismiss in all respects.

Dated: Rockville Centre, New York
December 17, 2007

Philip J. Dinhofer

By: Philip J. Dinhofer, #6940
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